

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED
OCT 25 2021
Matthew Fisher
CLERK

SHANE D. WALIEZER,

Plaintiff,

vs.

JANE DOE, *et al.*,

Defendants.

1:21-CV-01020-CBK

ORDER

Plaintiff filed this case pursuant to 42 U.S.C. § 1983 alleging that, in 2015 and 2017, defendants negligently violated his constitutional and statutory rights. The complaint was dismissed upon initial review pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted because plaintiff had not identified any conduct that was a violation of his federal statutory or constitutional rights. The dismissal counted as a third strike pursuant to 28 U.S.C. § 1915(g). Plaintiff is now required to pay any filing fees at the time he files a complaint.

Following dismissal, plaintiff filed a motion to amend and refile his complaint.

This matter is no longer pending. The case has been dismissed. Any attempt to file a complaint raising the same or any other issues must be filed in a new legal action.

Now, therefore,

IT IS ORDERED that plaintiff's motion, Doc. 18, for leave to amend and refile the complaint in this matter is denied.

DATED this 25th day of October, 2021.

BY THE COURT:



CHARLES B. KORNMANN
United States District Judge